

OSA-0886-63

14 FEB 1963

As you are undoubtedly aware, the Congress by Act of September 10, 1962 (PL87-653) [76 STAT. 529] passed certain amendments to the Armed Services Procurement Act requiring, among other things, that the Contracting Officer obtain from contractors and subcontractors cost or pricing data and a certification that such data submitted is current, complete and accurate.

This legislation has been incorporated into the Armed Services Procurement Regulations by ASPR Revision 12, dated Nov. 26, 1962. (See ASPR 3-807.3 et seq.).

Generally speaking such certification is now required:

1. Prior to the award of all cost reimbursement type, incentive or price redetermination contracts.
2. Prior to the award of any firm fixed price or fixed price with escalation negotiated contract expected to exceed \$100,000 in amount.
3. Prior to pricing any contract change or modification for which the price adjustment is expected to exceed \$100,000 whether formally advertised or negotiated and whether or not such data was required in connection with the issuing of the original contract.
4. Prior to the award of any negotiated contract or any contract modification not expected to exceed \$100,000 when the Contracting Officer feels that the circumstances warrant such action.

However, (in the case of (2) (3) and (4)), when the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation such certification will not be required.

In the interests of administrative simplicity and to prevent undue delay in the negotiation or award of contracts and amendments, all suppliers are being requested to submit a certificate of current pricing in the form attached along with the cost proposal when it is apparent or can reasonably be anticipated that such certification will be required. If one or more of the statutory exceptions applies, please so indicate in the proposal and, where appropriate, substitute

a certification that the proposed prices are not in excess of those charged to the public or to other government agencies for like quantities under similar circumstances.

Regards



25X11A

Attachment - Draft - Certificate of Current Cost or Pricing Data.

This is to certify that, to the best of my knowledge and belief:

(i) complete [pricing data] [and] [cost data]\* current as of

\_\_\_\_\_ have been considered in preparing the \_\_\_\_\_  
(Date)

\_\_\_\_\_ \*\* and submitted to the Contracting Officer or his representative:

(ii) all significant changes in the above data which occurred since the aforementioned date through \_\_\_\_\_ \*\*\* have been  
(date)  
similarly submitted; and no more recent significant change in such data was known to the undersigned at the time of executing this certificate; and

(iii) all of the data submitted are accurate.

\_\_\_\_\_  
(Date of Execution) Name \_\_\_\_\_  
Title \_\_\_\_\_  
Firm \_\_\_\_\_

Note that 18 U.S.C. 1001 prescribes criminal penalties for making false representations to the Government.

\*Select one or more of the bracketed series of words, as appropriate, for submission involved.

\*\*Describe the proposal, quotation, request for price adjustment, or other submission involved, giving appropriate identifying number, (e.g., RFP No.)

\*\*\*This date shall be as close to the date of agreement on the negotiated price or fee as is practicable.